IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1195 OF 2006
IN
SUIT NO.2087 OF 1984

Union of India ....Plaintiff
V/s.
Mohd.Hafiz & Ors. ....Defendants
And
Faiyaz Ahmed Ajmatullah & Ors. ....Applicants

Mr.S.R. Rajguru with Ms.Nisha Valani for the Plaintiff.

Mr.H. Toor with Mr.Aniket Deshmukh i/b S.K. Legal & Associates for the Applicants.

Mr.V.A. Sawant for Defendant Nos.5 and 6.

CORAM : S.J. VAZIFDAR, J.
DATED : 5TH DECEMBER, 2007.

P.C. :

1. Applicant No.1 is the son of predeceased brother of Defendant No.1. Applicant Nos.2 and 3 are the sons of the deceased brother of Applicant No.1. Applicant No.4 is the mother of Applicant Nos.2 and 3.

2. Defendant No.1(a) was brought on record upon the demise of Defendant No.1. Applicant Nos.1, 2 and 3 stand at least similar to Defendant No.1 (a).

3. That Defendant No.1(a) had obtained the Letters of Administration would not make a difference in the facts and circumstances of the present case. There are disputes pending regarding those proceedings. Moreover, in view of Sections 211, 212 and 213 of the Indian Succession Act that fact ought not to stand in the way of the present application for the Applicants to be brought on record of this suit. The same would not prejudice any of their rights. The parties are always at liberty to file further independent proceedings as well to establish their title. It is clarified that the present order does not determine the disputes regarding the title inter-se the Defendants.

4. In the circumstances, the Chamber Summons is made absolute in terms of prayer (a) in so far as Applicant Nos.1, 2 and 3 are concerned. Prayer (b) is not pressed. The amendment to be carried out within eight weeks from today. Newly added Defendants waive service of writ of summons.